IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

AVA SLAUGHTER,	§	H-05 3455
Plaintiff,	§	
	§	
v.	§	**Civil Action No.** ~~H-05-1439~~
	§	
JONES DAY,	§	
	§	United States Courts Southern District of Texas FILED
Defendant.	§	OCT 7 2005

Michael N. Milby, Clerk of Court

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441, *et seq.*, Defendant Jones Day files this Notice of Removal, and in support thereof respectfully shows the Court the following:

1. On April 25, 2005, Plaintiff filed a Complaint styled *Ava Slaughter v. Jones Day*, C.A. No. H-05-1439, in the United States District Court for the Southern District of Texas Houston Division. A true and correct copy of Plaintiff's Complaint is attached as Exhibit A. Plaintiff failed to perfect service, and on September 1, 2005, the Court entered an Order which dismissed Plaintiff's Complaint without prejudice. On September 19, 2005, Defendant was served with Plaintiff's Slaughter's Original Petition, which was filed in the 152nd Judicial District Court of Harris County, Texas, docketed as Cause No. 2005-57372. A true and correct copy of the Original Petition is attached as Exhibit B. A copy of Defendant's State Court Answer is attached as Exhibit C. A copy of the state court docket sheet is attached as Exhibit D.

2. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b). Venue is proper in the United States District Court for the Southern District of Texas, Houston Division.

Dockets.Justia.com

3. This matter is removable under 28 U.S.C. § 1441(b) and (c), as this Court has original federal jurisdiction pursuant to 28 U.S.C. § 1331 over Plaintiff's Section 1981 of the Civil Rights Act of 1866 discrimination claim.

4. In light of Plaintiff's claims arising under federal law, original jurisdiction lies before this Honorable Court and removal from the District Court of Harris County, Texas, 152nd Judicial District, to the United States District Court for the Southern District of Texas, Houston Division is proper.

5. Plaintiff timely demanded a jury trial.

6. A true and correct copy of Defendant's Notice of Removal will be filed with the clerk of the District Court of Harris County, Texas, as provided by law.

WHEREFORE, PREMISES CONSIDERED, Defendant Jones Day prays that this action be removed to this Court and that this Court accept jurisdiction of the action; and henceforth, that the action be placed on the docket of this Court for further proceedings, the same as though this action had originally been instituted in this Court.

Dated: October 4th, 2005

Respectfully submitted,

By: ______________________
Shauna Johnson Clark
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Attorney-In-Charge for Defendant
JONES DAY

OF COUNSEL:

FULBRIGHT & JAWORSKI L.L.P.

CERTIFICATE OF SERVICE

This pleading was served in compliance with Rule 5 of the Federal Rules of Civil Procedure by Certified Mail, Return Receipt Requested on October 7th, 2005, on the following counsel of record:

Mr. Thomas Padgett, Jr.
LAGARDE LAW FIRM, P.C.
24 Greenway Plaza, Suite 400
Houston, Texas 77046

Shauna Johnson Clark